

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-20 are presently pending. Claims amended herein are 6, 14 and 20. There are no claims canceled or withdrawn herein and there are no new claims added.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on November 29, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Keely and Labiaga. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] Although the Examiner was receptive to the proposals, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments and arguments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 6, 14 and 20 herein.

Formal Matters

There are no outstanding formal matters in the application.

Substantive Matters

Claim Rejections under § 101

[0011] Claims 11-19 are rejected under 35 U.S.C. § 101. In light of the amendments presented to the specification, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0012] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §§ 102 and/or 103

[0013] The Examiner rejects claim 20 under §102. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

[0014] In addition, the Examiner rejects claims 1-19 under §103. For the reasons set forth below, the Examiner has not addressed every claimed element.

[0015] Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0016] The Examiner's rejections are based upon the following references alone and/or in combination:

- **Schmid:** *Schmid, et al.*, US Patent Application Publication No. 2003/0234818 (filed June 21, 2002);
- **Keely:** *Keely, et al.*, US Patent No. 6,791,536 (issued Sept. 14, 2004);
- **Labiaga:** *Labiaga, et al.*, US Patent No. 6,185,615 (issued Feb. 6, 2001);

Overview of the Application

[0017] The Application describes a technology for canceling a speech interaction session by receiving a signal indicating that a predetermined switch has been set to a first state, monitoring a time parameter indicative of the time the switch remains in the first state, and canceling the speech interaction session if the time parameter exceeds a threshold.

Cited References

[0018] The Examiner cites Schmid and Keely as the primary references in its anticipation- and/or obviousness-based rejections. The Examiner cites Labiaga as a secondary reference in its obviousness-based rejections.

Schmid

[0019] Schmid describes a technology for implementing a speech platform architecture providing users with standardized methods of interaction across multiple speech-enabled applications.

Keely

[0020] Keely describes a technology that simulates gestures of a pointing device such as a mouse. The mouse gesture may be simulated using a stylus in conjunction with a touch sensitive display interface. The computer may further detect whether the stylus is then removed from the touch-sensitive display surface after at least the threshold amount of time and in response, the computer may generate at least one event.

Labiaga

[0021] Labiaga discloses a logging technique that is able to consolidate multiple related partial operations performed on a server device into a single log entry in a transaction log.

Anticipation Rejections

[0022] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Based upon Schmid

[0023] The Examiner rejects claim 20 under 35 U.S.C. § 102(e) as being anticipated by Schmid. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 20

[0024] The Examiner indicates (Action, p. 3) the following with regard to this claim:

Schmid discloses a system, comprising:

a processing unit; one or more input devices communicatively connected to the processor for generating one or more input signals; a memory module associated with the processor (Fig. 4 and related text), the memory module comprising:

a speech interaction module for receiving spoken commands from a user and generating computer-executable instructions from the spoken commands ("user can manipulate the desktop and its components using voice commands", [0006]); and

a speech interaction cancellation module for receiving an input signal from the one or more input devices and terminating a speech interaction session in response to the input signal ("The "Shutdown" method is utilized to shut down the speech system", [0029]).

[0025] Applicant submits that Schmid does not anticipate this claim because it does not show or disclose the following elements as recited in this claim (with emphasis added):

- “terminating the speech interaction session comprises reversing any operations performed during the speech interaction session by undoing the operations recorded in the operation log on an operation-by-operation basis”

[0026] In the Action, the Examiner cites Schmid Para [0029], referring to the “Shutdown” method utilized to shut down the speech system. However, “shutting down” a speech system is not the same as “terminating the speech interaction session comprises reversing any operations performed during the speech interaction session by undoing the operations recorded in the operation log on an operation-by-operation basis” as recited in amended claim 20. Schmid give no explanation of how the apparatus “shuts down” the speech system. Furthermore, there is no disclosure in Schmid to whether or not recorded operations are “reversed” (as specified in claim 20) when the speech session is “shut down”.

[0027] Consequently, Schmid does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Obviousness Rejections

Based upon Keely

[0028] The Examiner rejects claims 1-2, 7-11 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over Keely. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0029] First of all, the Keely Patent does not qualify as a valid reference under 35 U.S.C. § 103(a). The Keely Patent only qualifies as a valid reference under 35 U.S.C. § 102(e), and a valid reference under 35 U.S.C. § 102(e) is disqualified using 35 U.S.C. § 103(c) when used in a 35 U.S.C. § 103(a) rejection if the cited reference and the application were commonly owned at the time of filing the application. In this case, the MicroSoft Corp. commonly owned both the cited reference and the application at the time the application was filed. See MPEP 706.02(I)(1-2).

[0030] However, Applicant will address the rejection of these claims using the Keely Reference.

Independent Claims 1

[0031] The Examiner indicates (Action, p. 3-4) the following with regard to this claim:

Claim 1:

Keely discloses a method, comprising:

receiving a signal indicating that a predetermined switch has been set to a first state ("detecting the stylus being placed down, the computer 201 may begin counting time, e.g., by using a timer, up to at least a threshold amount of time", col. 5, lines 62-65);

monitoring a time parameter indicative of a time the switch remains in the first state ("the computer 201 may begin counting time", col. 5, lines 62-65).

Keely does not explicitly disclose canceling a speech interaction session if the time parameter exceeds a threshold.

However, Keely discloses generating an event representing a secondary switch on a computer pointing device if the time parameter exceeds a threshold ("if the computer 201 further detects that the stylus 204 is not brought up until after the timeout condition (steps 303 and 306), and thus that the stylus 204 has been held down for at least the threshold amount of time, then in response the computer 201 may generate first a Microsoft WINDOWS RightMouseButtonDown event (step 307) (or other event that represents the secondary switch of the pointing device being activated)", col. 6, lines 38-48).

It would have been obvious to one with ordinary skill in the art to execute any standard computer application, including canceling a speech session, if the time a switch remains in a state exceeds a threshold (similar to Keely's system activating the second switch, which is a computer application, in response to the duration in a state).

[0032] The Examiner admits that Keely does not teach "canceling a speech interaction session", as recited in this claim 1. The Examiner therefore relies on an official notice, stating that it "would have been obvious to execute any

standard computer application, including canceling a speech session, if the time switch remains in a state exceeds a threshold (similar to Keely's system activating the second switch, which is a computer application, in response to the duration in state)."

[0033] Applicant respectfully challenges Examiner's official notice and requests that a Reference be provided which discloses "canceling the speech interaction session if the time parameter exceeds a threshold."

[0034] Accordingly, the Applicant therefore respectfully asks the Examiner to withdraw the rejection of this claim. Furthermore, independent claim 11 is rejected by the Examiner on the same rationale as provided in the rejection of claim 1. Therefore, the explanation above applies to claim 11 also.

Dependent Claims 2-10 and 12-19

[0035] These claims ultimately depend upon independent claims 1 and 11. As discussed above, claims 1 and 11 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0036] Additionally, with respect to claim 6, the Examiner indicates on page 8 of the Office Action that "official notice is taken that resetting an application to its default state is old and well known in the computing arts" and it would have

been obvious to reset the speech interaction session in order to avoid entangling the program with previous data and computations.”

[0037] However, the claim does not recite that the “application is reset to its default state” as stated by the Examiner. There is a difference between resetting an application to a default state and “reversing any operations performed during the speech interaction session” as specified in claim 6. Please see pages 16-18 of the specification.

[0038] In order to help further clarify claim 6, the claim has been amended to recite:

- “wherein canceling the speech interaction session comprises reversing any operations performed during the speech interaction session ***by undoing the operations recorded in the operation log on an operation-by-operation basis***”

[0039] Again, Applicant respectfully requests that Applicant provide a Reference when rejecting claim 6 as it has been amended. Merely resetting an application to its default state upon boot-up or cancellation is not the same as “undoing the operations recorded in the operation log on an operation-by-operation basis” as specified in claim 6.

Dependent Claims

[0040] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the

Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0041] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: December 20, 2007

By: /Jacob Rohwer/

Jacob Rohwer
Reg. No. 61229
(509) 868-8323
jacob@leehayes.com
www.leehayes.com

My Assistant: Carly Bokarica
(509) 324-9256 x264
carly@leehayes.com